



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
THE JOHN A. WILSON BUILDING  
1350 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004

DEC 22 2008

The Honorable Adrian Fenty  
Mayor  
District of Columbia  
1350 Pennsylvania Avenue, N.W., 3rd Floor  
Washington, D.C. 20004

Re: Transmittal of D.C. BILL 17-1074, "Inoperable Pistol Emergency Amendment  
Act of 2008".

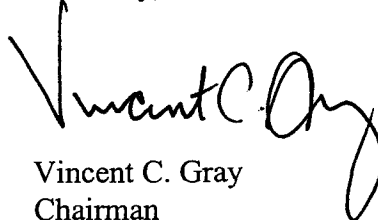
Date of Council Action: 12-16-08

Dear Mayor Fenty:

The above named enacted bill is hereby transmitted in accordance with section 404(e) of the District of Columbia Home Rule Act, P.L. 93-198.

To facilitate your review, I am forwarding the accompanying emergency declaration resolution.

Sincerely,

  
Vincent C. Gray  
Chairman

Enclosure



AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to change the definitions for the terms firearm, machine gun, pistol, and sawed-off shotgun, to provide definitions for the terms shotgun and place of business, to make discharging a weapon without a permit from the Chief of Police a misdemeanor offense, to provide that the District and private persons may prohibit or restrict the possession of firearms on their property, to prohibit carrying rifles and shotguns in the District except in limited circumstances and to provide penalties for violations of the prohibition that are equivalent to those for unlawfully carrying a pistol, to allow for the transportation of firearms in limited circumstances and in a prescribed manner, to repeal the authority of the Chief of Police to issue licenses for the carrying of pistols, and to change the waiting period for delivery of a purchased pistol from 2 to 10 days; and to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inoperable Pistol Emergency Amendment Act of 2008".

Sec. 2. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501.01 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

"(2A) "Firearm" means any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not include:

"(1) A destructive device as that term is defined in section 101(7) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(7));

"(2) A device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or

"(3) A device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon."

(2) Paragraph (4) is amended to read as follows:

"(4) "Machine gun" shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(10))."

(3) Paragraph (6) is amended to read as follows:

"(6) "Pistol" shall have the same meaning as provided in section 101(12) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12))."

(4) A new paragraph (6A) is added to read as follows:

"(6A) "Place of business" shall have the same meaning as provided in section 101(12A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(12A))."

(5) A new paragraph (7A) is added to read as follows:

"(7A) "Registrant" means a person who has registered a firearm pursuant to the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*)."

(6) Paragraph (8) is amended to read as follows:

"(8) "Sawed-off shotgun" shall have the same meaning as provided in section 101(15) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(15))."

(7) A new paragraph (9A) is added to read as follows:

"(9A) "Shotgun" shall have the same meaning as provided in section 101(16) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(16))."

(b) New sections 3a and 3b are added to read as follows:

"Sec. 3a. Unlawful discharge of a firearm.

"Except as otherwise permitted by law, including legitimate self-defense, no firearm shall be discharged or set off in the District of Columbia without a special written permit from the Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1).

"Sec. 3b. Prohibition of firearms from public or private property.

"(a) The District of Columbia may prohibit or restrict the possession of firearms on its

property and any property under its control.

“(b) Private persons or entities owning property in the District of Columbia may prohibit or restrict the possession of firearms on their property; provided, that this subsection shall not apply to law enforcement personnel when lawfully authorized to enter onto private property.”.

(c) Section 4 (D.C. Official Code § 22-4504) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the criminal penalties set forth in subsection (a)(1) and (2) of this section.”.

(d) New sections 4a and 4b are added to read as follows:

“Sec. 4a. Authority to carry firearm in certain places and for certain purposes.

“Notwithstanding any other law, a person holding a valid registration for a firearm may carry the firearm:

“(1) Within the registrant’s home;

“(2) While it is being used for lawful recreational purposes;

“(3) While it is kept at the registrant’s place of business; or

“(4) While it is being transported for a lawful purpose as expressly authorized by District or federal statute and in accordance with the requirements of that statute.

“Sec. 4b. Lawful transportation of firearms.

“(a) Any person who is not otherwise prohibited by the law from transporting, shipping, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry the firearm to any other place where he may lawfully possess and carry the firearm if, during transportation, the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle.

“(b) If the transporting vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

“(c) If the transportation is in a manner other than in a vehicle, the firearm shall be:

“(1) Unloaded;

“(2) Inside a locked container; and

“(3) Separate from any ammunition.”.

(e) Section 5(a) (D.C. Official Code § 22-4505(a)) is amended by striking the phrase “pistol unloaded and in a secure wrapper from” and inserting the phrase “pistol, transported in accordance with section 4b, from” in its place.

(f) Section 6 (D.C. Official Code § 22-4506) is repealed.

(g) Section 8 (D.C. Official Code § 22-4508) is amended as follows;

(1) Strike the word “pistol” wherever it appears and insert the word “firearm” in its place.

(2) Strike the phrase "48 hours" and insert the phrase "10 days" in its place.

(3) Strike the phrase "shall be securely wrapped and shall be unloaded" and insert the phrase "shall be transported in accordance with section 4b" in its place.

(h) Section 13 (D.C. Official Code § 22-4513) is amended by strike the phrase "section 2 and section 14(b)" and inserting the phrase "sections 2, 4(b), and 14(b)" in its place.

Sec. 3. Savings clause.

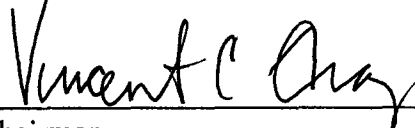
Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendment made by that section had not been made.

Sec. 4. Fiscal impact statement.

The Council adopts the December 8, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

Docket No. **B17-1074**

☐ ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

**ADOPTED FINAL READING, 12-16-08**

☒ VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

**ALL PRESENT**

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray	X				Catania	X				Schwartz	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown	X				Mendelson	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

*Cynthia Bisset Smith*  
Secretary to the Council

*December 19, 2008*  
Date

☐ ITEM ON CONSENT CALENDAR

☐ ACTION & DATE

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray					Catania					Schwartz				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown					Mendelson									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date

☐ ITEM ON CONSENT CALENDAR

☐ ACTION & DATE

☐ VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

☐ ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray					Catania					Schwartz				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown					Mendelson									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date